

FIRST REGULAR SESSION

# SENATE BILL NO. 197

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GOODMAN.

Read 1st time January 14, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1021S.011

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## AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 191, RSMo, is amended by adding thereto one new  
2 section, to be known as section 191.890, to read as follows:

**191.890. 1. For purposes of this section, the term "anatomic  
2 pathology services" means:**

3       **(1) "Histopathology" or "surgical pathology", the gross and  
4 microscopic examination and histologic processing of organ tissue  
5 performed by a physician or under the supervision of a physician;**

6       **(2) "Cytopathology", the examination of cells, from fluids,  
7 aspirates, washings, brushings, or smears, including the Pap test  
8 examination performed by a physician or under the supervision of a  
9 physician;**

10       **(3) "Hematology", the microscopic evaluation of bone marrow  
11 aspirates and biopsies performed by a physician or under the  
12 supervision of a licensed physician, and peripheral blood smears when  
13 the attending or treating physician or technologist requests that a  
14 blood smear be reviewed by a pathologist;**

15       **(4) Subcellular pathology and molecular pathology; and**

16       **(5) Blood-banking services performed by pathologists.**

17       **2. Except as provided under subsection 5 of this section, no  
18 licensed health care professional in the state shall, directly or  
19 indirectly, charge, bill, or otherwise solicit payment for anatomic  
20 pathology services unless such services were rendered personally by**

21 the licensed health care professional or under the licensed health care  
22 professional's direct supervision in accordance with section 353 of the  
23 Public Health Service Act, 42 U.S.C. 263a.

24 3. No patient, insurer, third-party payor, hospital, public health  
25 clinic, or nonprofit health clinic shall be required to reimburse any  
26 licensed health care professional for charges or claims submitted in  
27 violation of this section.

28 4. Nothing in this section shall be construed to mandate the  
29 assignment of benefits for anatomic pathology services as defined in  
30 this section.

31 5. The provisions of this section do not prohibit billing of a  
32 referring laboratory for anatomic pathology services in instances where  
33 a sample or samples must be sent to another specialist, except that for  
34 purposes of this subsection, the term "referring laboratory" does not  
35 include a laboratory of a physician's office or group practice that does  
36 not perform the technical or professional component of the anatomic  
37 pathology service involved.

38 6. The respective state licensing boards having jurisdiction over  
39 any health care professional who may request or provide anatomic  
40 pathology services may revoke, suspend, or deny renewal of the license  
41 of any health care professional who violates the provisions of this  
42 section.

43 7. Nothing in this section shall be construed to prohibit a  
44 referring physician from sending a patient's specimen to any laboratory  
45 providing anatomic pathology services.

46 8. A clinical laboratory or physician, located in this state, or in  
47 another state, providing anatomic pathology services for patients in  
48 this state, shall present or cause to be presented a claim, bill, or  
49 demand for payment for these services only to the following:

- 50 (1) The patient directly;
- 51 (2) The responsible insurer or other third-party payor;
- 52 (3) The hospital, public health clinic, or nonprofit health clinic  
53 ordering such services;
- 54 (4) The referring laboratory, other than a laboratory of a  
55 physician's office or group practice that does not perform the  
56 professional component of the anatomic pathology service;

57           **(5) Governmental agencies or their specified public or private**  
58   **agent, agency, or organization on behalf of the recipient of the services.**

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